

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

June 5, 2001

DIVISION ONE

B150184 Waisbren (Not for Publication)
v.
Superior Court, Los Angeles County
(Jon Douglas Company et al., r.p.i.)

THEREFORE, let a peremptory writ issue, commanding respondent superior court to vacate and set aside its order denying petitioner's motion for mistrial, and to issue a new and different order granting same, in Los Angeles Superior Court case No. EC018109, entitled Bradley Waisbren v. Jon Douglas Company et al., and to transfer this matter to a judge other than the Honorable David M. Schacter, to set and conduct trial on a regular basis until the matter is completed.

Spencer, P.J.

We concur: Ortega, J.
Mallano, J.

DIVISION TWO

B135917 Gerrity (Not for Publication)
v.
Fidelity National Title Insurance Company

The judgment is affirmed. Respondent(s) to recover costs.

Nott, J.

We concur: Boren, P.J.
 Cooper, J.

DIVISION TWO (Continued)

B144274 People (Not for Publication)
v.
Martinez

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
 Cooper, J.

B144631 People (Not for Publication)
v.
Yates

The judgment is modified to stay, pursuant to section 654, the term imposed for the robbery and related firearm-use enhancement in count 2. As modified, the judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
 Cooper, J.

DIVISION FOUR

B144306 Los Angeles County, D.C.S. (Not for Publication)
v.
Valentine D.

The orders of the juvenile court are affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

DIVISION FIVE

B134307 Stephen M. Gaggero (Not for Publication)
v.
First Federal Bank of California

The judgment is affirmed. Each party to bear their own costs.

Willhite, J. (Assigned)

We concur: Turner, P.J.
 Armstrong, J.

B133657 Deepak Rattanchand Hinduja, et al.
v.
Arco Products Company, et al.

Filed order denying petition for rehearing.

DIVISION SIX

B139265 People
v.
Mooney

Petition for rehearing is denied.

B139613 People
v.
Arias

Filed order denying petition for rehearing.

DIVISION SEVEN

June 5, 2001

112309-01

The HONORABLE PAUL BOLAND, Judge of the Los Angeles Superior Court, Los Angeles County, is hereby assigned to assist the Court of Appeal, Second Appellate District, **Division Seven**, as a Justice thereof, on the following dates:

May 22, 2001 to August 22, 2001

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

Dated: May 8, 2001

Ronald M. George
Chief Justice of California and
Chairperson of the Judicial Council

B141841 Division of Labor Standards Enforcement (Certified for Publication)
v.
Atlantic Baking Company, Inc.

The order dismissing the petition as untimely and granting judgment in favor of the Division of Labor Standards Enforcement is affirmed.

Boland, J. (Assigned)

We concur: Johnson, Acting P.J.
Woods, J.

DIVISION SEVEN (Continued)

B144568 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Thomas M.

The judgment is affirmed.

Boland, J. (Assigned)

We concur: Lillie, P.J.
 Woods, J.

B137862 Daza (Not for Publication)
 v.
 Daza

The order denying the motion to set aside the judgment is reversed and the case is remanded for further proceedings consistent with this opinion. Each party is to bear his own costs on appeal.

Boland, J. (Assigned)

We concur: Johnson, Acting P.J.
 Woods, J.

B142108 People (Not for Publication)
 v.
 Talley

The judgment is modified to include a \$10,000 parole revocation fine pursuant to Penal Code section 1202.45. As modified, the judgment is affirmed.

Boland, J. (Assigned)

We concur: Johnson, Acting P.J.
 Woods, J.

DIVISION SEVEN (Continued)

B137978 People v. Bohen (Not for Publication)

The judgment is reversed and the cause remanded for further proceedings consistent with this opinion. The petition for writ of habeas corpus is denied without prejudice.

Boland, J. (Assigned)

We concur: Lillie, P.J.
Johnson, J.

B140274 Schwartz, et al.
v.
State Farm Fire and Casualty Company

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B137344 Business Discount Plan, Inc. (Not for Publication)
v.
Truck Insurance Exchange

The judgment entered in favor of Truck is affirmed. The order denying the motion of BDP for summary adjudication is also affirmed. Respondent Truck is awarded costs of appeal.

Woods, J.

We concur: Johnson, Acting P.J.
 Boland, J. (Assigned)

DIVISION SEVEN (Continued)

B143253 How To Fight Modern Villains, Inc. (Not for Publication)
 v.
 Residential Funding Company

The judgment is affirmed. Respondents are entitled to costs incurred in connection with the appeal.

Woods, J.

We concur: Lillie, P.J.
 Johnson, J.

B145129 Los Angeles County, D.C.S. (Not for Publication)
 v.
 George R.

The order is affirmed.

Woods, J.

We concur: Johnson, Acting P.J.
 Boland, J. (Assigned)

B142929 People (Not for Publication)
 v.
 Kaulick

The judgment is hereby modified to reduce appellant's convictions for violations of 23152, subdivisions (a) and (b) to misdemeanor convictions. The Clerk of the Superior Court shall prepare and send to the Department of Corrections a corrected abstract of judgment in accordance with this disposition. In addition, this matter is remanded to the trial court for resentencing on the misdemeanor convictions. The judgment is affirmed in all other respects.

Woods, J.

We concur: Lillie, P.J.
 Boland, J. (Assigned)

DIVISION SEVEN (Continued)

B145355 People
v.
Giron

(Not for Publication)

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.
Johnson, J.

[illegible]

The judgment is affirmed.

Boland, J. (Assigned)

We concur: Lillie, P.J.
Johnson, J.

[illegible]

The judgment is affirmed.

Boland, J. (Assigned)

We concur: Johnson, Acting P.J.
 Woods, J.

DIVISION SEVEN (Continued)

B144139 People (Not for Publication)
v.
Perrin

The judgment is affirmed.

Boland, J. (Assigned)

We concur: Lillie, P.J.
Woods, J.

[illegible]

In re Adrian G., a Person Coming Under the Juvenile Court Law.

The order under review is modified to grant Adrian G. 33 days of confinement credit against the maximum theoretical period of confinement. In all others respects, the order of the juvenile court is affirmed.

Boland, J. (Assigned)

We concur: Lillie, P.J.
 Johnson, J.

B142951 Los Angeles County, D.C.S. (Not for Publication)
v.
Jack M.

In re Christopher M., et al., a Person Coming Under the Juvenile Court Law.

The judgment is affirmed.

Boland, J. (Assigned)

We concur: Lillie, P.J.
 Johnson, J.